

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
2003 JAN 30 A 11:35

MARK HOBRETSCHK	:	CLERK'S OFFICE AT BALTIMORE
v.	:	CIVIL NO. DEPUTY L-02-2125
UNITED STATES OF AMERICA, et al.	:	
MARK HOBRETSCHK	:	
v.	:	CIVIL NO. L-02-4187 ✓
LOUIS MOUNT, et al.	:	

ORDER

I. The Court CONSOLIDATES these Cases

On June 25, 2002, *pro se* Plaintiff Mark Hobratschk filed suit in the U.S. District Court for the District of Maryland, Civil No. L-02-2125. On December 17th, Mr. Hobratschk filed an apparently identical suit in the U.S. District Court for the District of Columbia, which was subsequently transferred to this district. Accordingly, the Court hereby CONSOLIDATES these cases, Civil No. L-02-2125 and Civil No. L-02-4187.

II. The Court DENIES the Plaintiff's Motion for a TRO

Both suits stem from a confrontation at a security checkpoint, subsequent to which Mr. Hobratschk was banned from entering Centers for Medicare and Medicaid Services ("CMS") in Washington, D.C. In each case, Mr. Hobratschk filed motions for a temporary restraining order ("TRO") and a preliminary injunction. Mr. Hobratschk alleges that disabled individuals, whom he would be assisting at the CMS, will be disadvantaged if he is not permitted on site to aid them.

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As explained by the Order denying his first motion for a TRO, Mr. Hobratschk has moved to Colorado, where he no longer needs access to the building in Washington, D.C. Mr. Hobratschk, therefore, cannot show that he will suffer an injury which is sufficiently immediate or irreparable to warrant the issuance of a TRO.

Accordingly, the Court DENIES the motion for a TRO filed in Civil No. L-02-4187. The Court RESERVES ruling on the motion for a preliminary injunction because the government is entitled to respond to the motion and to conduct relevant discovery before any evidentiary hearing is held.

III. The Government SHALL ADVISE if a New Motion to Dismiss will be Filed

On September 9, 2002, the defendants in Civil No. 02-2125 filed a motion to dismiss. On or before February 7, 2003, the government shall notify this Court, in writing, whether it intends to adopt the previously filed motion to dismiss or file a new motion. If the government intends to file a new motion, it will be due on or before February 21st.

The Court will issue a new scheduling order after ruling on the motion to dismiss.

It is so ORDERED this 29th day of January, 2003.



Benson Everett Legg
Chief Judge